

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JUDGE BRICCETTI

-----X
Joel M. Eisenberg,

Plaintiff,

-against-

Portfolio Recovery Associates, L.L.C.,

Defendant.
-----X

Civil Action No. **12 CIV 4228**

**COMPLAINT AND DEMAND
FOR TRIAL BY JURY**

FILED
U.S. DISTRICT COURT
S.D. OF N.Y.
12 MAY 29 PM 4:11

Plaintiff Joel M. Eisenberg ("Plaintiff" or "Eisenberg"), by and through his attorneys, FREDRICK SCHULMAN & ASSOCIATES, Attorneys at Law, as and for his Complaint against the Defendant Portfolio Recovery Associates, L.L.C. ("Defendant" or "PRA"), respectfully sets forth, complains and alleges, upon information and belief, the following:

INTRODUCTION/PRELIMINARY STATEMENT

1. Plaintiff brings this action for damages and declaratory and injunctive relief arising from the Defendant's violation(s) of Sec. 1692 et seq. of Title 15 of the United States Code, commonly referred to as the Fair Debt Collection Practices Act ("FDCPA").

PARTIES

2. Plaintiff is a resident of the State of New York, County of Orange, residing at 2 Shinev Court, Monroe, New York 10950.

3. Upon information and belief, the Defendant is a Delaware limited liability company with a principal place of business at 120 Corporate Boulevard, Norfolk, Virginia 23541, and is authorized to do business in the State of New York.

4. The Defendant is a “debt collector” as the phrase is defined and used in the FDCPA.

JURISDICTION AND VENUE

5. The Court has jurisdiction over this matter pursuant to 28 U.S.C. Sec. 1331, as well as 15 U.S.C. Sec. 1692 et seq. and 28 U.S.C. Sec. 2201. If applicable, the Court also has pendent jurisdiction over any State law claims in this action pursuant to 28 U.S.C. Sec.1367(a).

6. Venue is proper in this judicial district pursuant to 28 U.S.C. Sec. 1391(b)(2).

FACTUAL ALLEGATIONS

7. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs numbered “1” through “6” herein with the same force and effect as if the same were set forth at length herein.

8. Upon information and belief, on a date better known to the Defendant, the Defendant began collection activities on an alleged consumer debt from the Plaintiff (“Alleged Debt”).

9. On or about December 28, 2011, the Plaintiff sent a letter to the Defendant, requesting validation of the Alleged Debt.

10. Defendant did not respond to the validation request made by the Plaintiff.

11. Defendant failed to report the Alleged Debt to the credit bureaus as disputed.

12. Said failures on the part of the Defendant are violations of the FDCPA, 15 U.S.C. Sec. 1692e(8), which prohibits a debt collector from communicating false credit information, “including the failure to communicate that a disputed debt is disputed.”

13. As a result of the Defendant’s deceptive, misleading and/or unfair debt collection practices, the Plaintiff has been damaged.

FIRST CAUSE OF ACTION
(Violations of the FDCPA)

14. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs numbered “1” through “13” herein with the same force and effect as if the same were set forth at length herein.

15. Defendant’s debt collection efforts attempted and/or directed towards the Plaintiff violate various provisions of the FDCPA, including but not limited to 15 U.S.C. Sec.1692e(8).

16. As a result of the Defendant’s violations of the FDCPA, the Plaintiff has been damaged and is entitled to damages in accordance with the FDCPA.

DEMAND FOR TRIAL BY JURY

17. Plaintiff demands and hereby respectfully requests a trial by jury for all claims and issues in this complaint for which the Plaintiff is or may be entitled to a jury trial.

PRAYER FOR RELIEF

WHEREFORE, the Plaintiff Joel M. Eisenberg demands judgment against the Defendant Portfolio Recovery Associates, L.L.C., as follows:

A. For actual damages provided and pursuant to 15 U.S.C. Sec. 1692k(a)(1);

- B. For statutory damages provided and pursuant to 15 U.S.C. Sec.1692k(2)(A);
- C. For attorneys' fees and costs provided and pursuant to 15 U.S.C. Sec. 1692k(a)(3);
- D. For a declaration that the Defendant's practices violated the FDCPA; and,
- E. For any such other and further relief, as well as further costs, expenses and disbursements of this action, as this Court may deem just and proper.

Dated: New York, New York
May 23, 2012

Respectfully submitted,

By: 

Samuel A. Ehrenfeld

FREDRICK SCHULMAN & ASSOCIATES

Attorneys for Plaintiff

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